

Notice of Allowability

Application No.

09/483,653

Examiner

Xu Mei

Applicant(s)

GARDNER ET AL.

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 1/14/2000.
2. ☒ The allowed claim(s) is/are 26-47 and 54-87.
3. ☒ The drawings filed on 11 March 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. <u>2-4</u> | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |


Xu Mei
Primary Examiner
Art Unit: 2644

10/B
EX.
B.D.
2/7/04

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Luciano discloses an animal attraction method and apparatus.

Gimbal discloses an animal luring device with a recording and playback mechanism.

Hill et al discloses a method and apparatus for attracting fish to a selected location.

Arad et al discloses a toy telephone recording and playback device with various buttons for selecting one of the segments of recorded audio signals.

Dinardo discloses a cat calling device with a playback mechanism including a plurality of playback buttons serve to play a separate recording from a recording means.

Lau et al discloses an electronic sound generator device includes a memory bank for storing user-selectable recorded sounds.

Gaspari discloses an electronic game caller including digital vocalization storage medium for storing multiple animal calls.

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R.

B

Att Unit: 2644

§ 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

3. Authorization for this Examiner's Amendment was given in a telephone interview and email communications with Mr. Daniel McLoughlin.

4. In the Claims:

Claims 1-25 and 48-53 have been canceled without prejudice nor disclaimer of the subject matter set forth therein.

Claims 26, 36, 47, 70, 78 and 87 are amended and replaced as follow:

1
~~26.~~ A method of luring an animal to an area in an environment, the method comprising ~~an act~~ acts of:

B1
(A) operating a device that includes a recording medium having first and second separately pre-recorded sounds stored thereon, wherein the first pre-recorded sound simulates a first sound made by a species of animal in the environment and the second pre-recorded sound simulates a second sound, distinct from the first sound, made by a species of animal in the environment; and

A& Unit: 2644

B1
cont
(B) — (A) contemporaneously playing back the first and second pre-recorded sounds that were recorded separately and that respectively simulate first and second sounds made by a species of animal in the environment,

wherein the contemporaneous playing back of the first and second prerecorded sounds produces a combination of sounds for luring the animal.

16
30. An apparatus for luring an animal to an area in an environment, the apparatus comprising:

B2
a recording medium storing first and second pre-recorded sounds that simulate first and second distinct sounds each made by a species of animal in the environment; and

a controller to play back the first and second pre-recorded sounds contemporaneously to produce a combination of sounds for luring the animal.

B3
33. An apparatus for luring an animal to an area in an environment, the apparatus comprising:

means for storing first and second pre-recorded sounds

Art Unit: 2644

that simulate first and second distinct sounds each made by a species of animal in the environment; and

B3
cont means for playing back the first and second pre-recorded sounds contemporaneously to produce a combination of sounds for luring the animal.

39 20. An apparatus for luring an animal to an area in an environment, the apparatus comprising:

B4 a recording medium on which is stored a first signal representing a first pre-recorded sound that simulates at least a first animal sound made by a species of animal in the environment and a second signal representing a second pre-recorded sound that simulates at least a second animal sound, distinct from the first animal sound, made by a species of animal in the environment;

a user interface including a first button to select the first signal and a second button to select the second signal;

a controller to play back contemporaneously the first and second pre-recorded sounds, in response to the first button and second button being pressed, to produce a combination of sounds for luring the animal; and

Art Unit: 2644

B4
cont

a hand held unit to house the recording medium, the user interface and the controller during operation of the apparatus.

B5

47 78. A method of luring an animal to an area in an environment using a hand-held unit that houses a recording medium and a user interface, the recording medium storing a first signal representing a first pre-recorded sound that simulates at least a first animal sound made by a species of animal in the environment and storing a second signal representing a second pre-recorded sound that simulates at least a second animal sound made by a species of animal in the environment that is different than the first animal sound, and the user interface including a first button to select the first pre-recorded sound and a second button to select the second pre-recorded sound, the method comprising acts of:

(A) controlling a simulation of the first animal sound by pressing the first button to reproduce the first pre-recorded sound; and

(B) controlling a simulation of the second animal sound that is contemporaneous to the simulation of the first animal by pressing the second button to reproduce the second animal sound, wherein the contemporaneous playing back of the first and second

Art Unit: 2644

prerecorded sounds produces a combination of sounds for luring the animal.

56 ~~87~~. An apparatus for luring an animal to an area in an environment, the method comprising:

86 a recording medium on which is stored a first signal representing a first pre-recorded sound that simulates at least a first animal sound made by a species of animal in the environment and a second signal representing a second pre-recorded sound that simulates at least a second animal sound, distinct from the first animal sound, made by a species of animal in the environment;

a user interface including a first button to select the first pre-recorded sound and a second button to select the second pre-recorded sound;

means for contemporaneously playing back the first and second pre-recorded sounds in response to the first button and the second button being pressed to produce a combination of sounds for luring the animal; and

a hand-held unit to house the recording medium, the user interface and the means for playing back during operation of the apparatus.

Art Unit: 2644

5. The following is an Examiner's Statement of Reasons for Allowance:

The cited prior art discloses various system, devices and method thereof which including memory or storage medium for storing multiple or different animal sounds, and selectively playback the stored animal sounds for attracting or luring different animals. The prior art fails to specifically including means or method thereof for contemporaneously playing back the first and second pre-recorded animal sounds (distinct sounds made by a species of animal in an environment) to produce a combination of sounds (i.e., the combinations of the pre-recorded first and second distinct animal sounds) for luring the animal. The controller or means for contemporaneously playing back the recorded animal sound is in response to a first button and a second button of the being pressed contemporaneously, and wherein the first button is selected to represents the first pre-recorded animal sound and the second button is selected to represents the second pre-recorded animal sound.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

B

Art Unit: 2644

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for
entry)

Or:

(703) 305-9508 (for informal or draft communications,
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Xu Mei
whose telephone number is (703) 308-6610.

Any inquiry of a general nature or relating to the status
of this application should be directed to the Group receptionist
whose telephone number is (703) 305-4700.


Xu Mei
Primary Examiner
Art Unit 2644

B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

01/05/2004

Richard F Giunta
Wolf Greenfield & Sacks PC
600 Atlantic Avenue
Boston, MA 02210

EXAMINER

MEI, XU

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 01/05/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,653	01/14/2000	William James Gardner	G0671/7000	8646

TITLE OF INVENTION: METHODS AND APPARATUS FOR PRODUCING ANIMAL SOUNDS TO LURE ANIMALS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	04/05/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590 01/05/2004

**Richard F Giunta
Wolf Greenfield & Sacks PC
600 Atlantic Avenue
Boston, MA 02210**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,653	01/14/2000	William James Gardner	G0671/7000	8646

TITLE OF INVENTION: METHODS AND APPARATUS FOR PRODUCING ANIMAL SOUNDS TO LURE ANIMALS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	04/05/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
MEI, XU	2644	700-094000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,653	01/14/2000	William James Gardner	G0671/7000	8646

7590 01/05/2004
Richard F Giunta
Wolf Greenfield & Sacks PC
600 Atlantic Avenue
Boston, MA 02210

EXAMINER

MEI, XU

ART UNIT PAPER NUMBER

2644

DATE MAILED: 01/05/2004

Determination of Patent Term Extension under 35 U.S.C. 154 (b) (application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.